

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CORTEZ JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 03-1626
)	Judge Hardiman
STATE CORRECTIONAL)	Magistrate Judge Caiazza
INSTITUTION OF PITTSBURGH,)	
MATTHEW O'BLOCK, MR. SEPLYAK,)	
MR. RANDOLPH,)	
)	
)	
Defendants.)	

MEMORANDUM ORDER

The Plaintiff's complaint was received by the Clerk of Court on October 24, 2003, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on May 8, 2006, recommended that the Motion for Summary Judgment filed by the Plaintiff be denied and that the Motion for Summary Judgment filed by the Defendants be granted and that this action should be dismissed because it is barred by the applicable statute of limitations. The parties were allowed ten days from the date of service to file objections. Service was made on the Plaintiff by First Class United States Mail delivered to the State Correctional Institution at Waymart, Waymart, Pennsylvania, where he is incarcerated and on the Defendants. No objections

have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 6th day of June, 2006

IT IS HEREBY ORDERED that the Motion for Summary Judgment filed by the Plaintiff is DENIED.

IT IS FURTHER ORDERED that the Motion for Summary Judgment filed by the Defendants is GRANTED.

IT IS FURTHER ORDERED that this action is DISMISSED.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 57), dated May 8, 2006, is adopted as the opinion of the court.


Thomas M. Hardiman
U.S. District Court Judge

CC:
Cortez Johnson, DY-2500
SCI Waymart
P.O. Box 256
Waymart, PA 18472-0256

Rodney M. Torbic, Esq.